

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

WILLIE D. BEMBRY, : Case No. 3:15-cv-344
: .
Plaintiff, : District Judge Thomas M. Rose
: Magistrate Judge Sharon L. Ovington
vs. : .
: .
NANCY A. BERRYHILL, : .
COMMISSIONER OF SOCIAL : .
SECURITY, : .
Defendant.

DECISION AND ENTRY

The Court has conducted a *de novo* review of the Report and Recommendations of United States Magistrate Judge Sharon L. Ovington (Doc. #14), to whom this case was originally referred pursuant to 28 U.S.C. § 636(b). Noting that no objections have been filed and that the time for filing such objections, if any, under Fed. R. Civ. P. 72(b), has expired, this Court hereby **ADOPTS** said Report and Recommendations.

It is therefore **ORDERED** that:

1. The Report and Recommendations filed on February 17, 2017 (Doc. #14) is **ADOPTED** in full;
2. The Commissioner's non-disability finding be vacated;
3. No finding be made as to whether Plaintiff Willie D. Bembry was under a "disability" within the meaning of the Social Security Act;
4. This matter be **REMANDED** to the Social Security Administration under sentence four of 42 U.S.C. § 405(g) for further consideration consistent with the Report and Recommendations, and this Decision and Entry; and
5. The case is terminated on the docket of this Court.

IT IS SO ORDERED.

Date: March 6, 2017

**/Thomas M. Rose*

Thomas M. Rose
United States District Judge